

APPROVED: Meeting No. 16-86

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 12-86

March 24, 1986

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland on Monday, March 24, 1986, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard V. Robinson; Assistant City Attorney Francis Lacey; City Clerk Helen M. Heneghan

Re: City Manager's Report

Mr. Robinson reported the following:

1. There was a theft reported at the Rockville Cemetery some time this past weekend. Two caskets were taken from a vault and opened. The caskets were those of Judge Stedman Prescott, Jr. and his wife. There was no evidence of disruption of the remains. A front-end loader belonging to the City of Rockville was stolen to remove the caskets. Anyone who has information is asked to call the City police.

2. The amendment to the City's Retirement Plan originally scheduled for action by the Mayor and Council this evening has been withdrawn and will be presented on April 14.

3. The staff has continued meeting with the County and State representatives along with representatives of the District and Circuit Court to address the parking concerns when the Court opens.

4. The tentative schedule for this year's budget begins with a presentation of the budget on April 30 and work sessions on May 5, 7, and 8 followed by public hearings on May 12 and 27 and adoption in early June.

5. Mr. Hobbs has been a member of a Montgomery County Committee studying the affects of Gramm/Rudman on local governments.

Councilman Hartogenesis noted that the March 26 meeting on the District Court Parking has been postponed; however, there is no way the process can be delayed since it is too important. Councilman Hartogenesis added that the new schedule for budget sessions should allow the Council to do a better job in less time. Councilman Abrams suggested that a Saturday work session be scheduled in order to bring in more people. The City Manager said if the Council wishes, additional public hearings can be scheduled for Saturday in order to allow more testimony to be given; however, it was his understanding that in the past, the hearings had been scheduled on Monday and Tuesday evenings.

Councilman Duncan asked if the state has a position on District Court Parking. The City Manager said it would be necessary for everyone to sit down and discuss the need. At the present time, the City is helping to mediate the discussions.

Mayor Van Grack said he would like to express his sincere appreciation to the individuals who worked in Annapolis to help with the legislation. Messrs. Moser, Tyner and Hobbs and Delegate Forehand worked to get funding for the Fitzgerald Theatre Bill and he would like to publicly thank them.

Mayor Van Grack displayed historic documents that he has received - the original plat of Rockville and original document giving Rockville its name. He presented them to the City Clerk for preservation.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

There being no citizen wishing to be heard, the Mayor closed the Citizen Forum portion of the meeting.

Re: Adoption of
Ordinance: To amend
the Zoning Map of the
City by placing
319,871 square feet
of land, Red Gate
Limited Partnership,
Applicant, in the I-3
Industrial Zone

Ordinance No. 9-86

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 9-86, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, amending the Zoning Map of the City of Rockville by placing 319,871 square feet of land, Red Gate Limited Partnership Applicant, in the I-3, Industrial Zone, was adopted by the Mayor and Council.

Re: Award of Contract:
Bid No. 71-86, Copier
Machine

The request for proposals was issued for rental with the option to purchase a high-speed copier for City Hall. The request for proposals specified the brands and models of KODAK 225AF and XEROX 1090.

The RFP requested quotes on:

1. various rental plans,
2. purchase prices,
3. rental credits (credits accrued toward a purchase price during rental plans)

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4. termination charges in the event that the equipment did not perform satisfactorily during a rental contract term
5. delivery, installation, and removal charges
6. maintenance contract costs (these are included free in all rental plans but would be a chargeable expense if the copier were purchased), and,
7. supply costs.

The sealed proposals were opened at 5:00 p.m. Wednesday, March 19, 1986.

Award is to be based on the lowest total combined score of the following criteria:

	<u>KODAK</u>	<u>XEROX</u>
1. 30% - Extended Rental - 3 years	30 points	31 points
2. 10% - Termination of contract after nine months of rental	13 points	10 points
3. 50% - Rental with conversion to purchase at some point during a two-year period	50 points	63 points
4. 10% - Annual cost of supplies	<u>12 points</u>	<u>10 points</u>
TOTAL POINTS	105 points	114 points

The FY 86 budget contains \$7,600 for this award and \$30,000 has been proposed for FY 87. Both of these amounts are sufficient for this award of a rental contract and supply costs.

Staff recommends that award be made to KODAK in the amount of \$72,360 for a three-year rental contract. The FY 86 portion of this total is \$6,030. Subsequent payments would be subject to the availability of funds in succeeding fiscal years.

It is anticipated that the city will exercise an option to purchase the equipment at some point during this rental period. Therefore, it is also recommended that the Mayor and Council hereby approve the City's option to purchase during the rental period if the combined rental payments and purchase price is \$72,360 or less.

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On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 71-86 for a high speed copier for City Hall was awarded to KODAK as recommended by staff.

Re: Introduction of Ordinance: To amend Chapter 27 of the "Laws of Rockville", entitled "Amusements and Vendors Regulations", by adding a new Division 5 to Article 2 so as to provide for the licensing, location and operating regulations of carnivals

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to amend Chapter 27 of the "Laws of Rockville", entitled "Amusements and Vendors Regulations", by adding a new Division 5 to Article 2 so as to provide for the licensing, location and operating regulations of carnivals, said ordinance to be the subject of a public hearing on Monday, April 14, 1986.

Re: Approval of agreement for street light repair and maintenance

This is a proposed letter of agreement and Contract for providing maintenance and repair services for the City's 1300 underground-wired street lights over the next four years. The agreement takes advantage of the cooperative procurement procedures, by "piggybacking" onto a Montgomery County contract that provides the same services over the same time period. This new agreement would continue the existing extended agreement with another contractor (Lighting Systems Services) which expires April 1.

Staff recommends that the proposed agreement with Lighting Maintenance, Inc., be approved.

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On motion of Councilman Abrams, duly seconded and unanimously passed, the Street Light Maintenance and Repair Agreement was made with Lighting Maintenance, Incorporated as recommended by staff.

Re: Selection of
independent auditors
for City for the
fiscal years ending
June 30, 1986, 1987
and 1988

1 call

The City has received five proposals from CPA firms in response to a request for proposals to provide audit services for the next three fiscal year-end audits. The firms submitting proposals were:

Arthur Anderson & Co.
Touch, Ross & Co.
Peat, Parwick, Mitchell & Co.
Deloitte, Haskins & Sells
Wooden & Benson

The firms had been requested to provide separate technical and cost proposals so that each firm's technical competence could be evaluated without reference to bid price.

A review of the technical proposals revealed that all five firms possessed the qualifications necessary to provide the requested services.

A subsequent evaluation of the cost proposals revealed four of the firms had also submitted close bids to perform the audit services. The fifth firm's cost was substantially higher.

Interviews were held with the four firms who submitted competitively priced proposals. The interview team consisting of the City Manager, the City's Director of Finance, and the Assistant to the Director of Finance. Based upon the combined rankings of these firms for their technical proposal, interview, and cost, the interview team decided that the firms of Wooden and Benson would be most advantageous. Wooden and Benson was also the low bidder at a firm fixed price of \$91,600 for the three-year contract.

Wooden and Benson is a well respected local firm with offices in Towson and Waldorf, Maryland. The firm has built an extensive practice among local governmental clients and has considerable breadth and depth in this field. City staff has confirmed the reputation of the firm with bond underwriters and established that having an audit performed by this local firm rather than a "big eight" firm will not adversely affect the City's anticipated bond sale.

Staff recommends that the Mayor and Council award a three-year contract to the firm of Wooden and Benson for audit services for the years ending June 30, 1986, 1987, and 1988 in an amount not to exceed \$91,600. The cost for the 1986 audit will be \$29,000 which is the amount provided for in the present budget.

On motion of Councilman Abrams, duly seconded and unanimously passed, the contract for Audit Services for the years ending June 30, 1986, 1986^{7 call} and 1988 was awarded to Wooden and Benson in an amount not to exceed \$91,600.

Re: Approval of Testimony
for Public Hearing on
Montgomery County
Bills 11-86 and 12-86

The Mayor and Council reviewed the testimony presented to them this evening and felt the wording was too strident and for that reason failed to be persuasive. They suggested it be redrafted in a time that is not too critical of the County but more tactful. It should express strong opposition to the excise tax. The matter can be on the Council's agenda for Monday, March 31, 1986, to be approved prior to testimony on April 1, 1986.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all voting, (Councilman Duncan) abstaining, the Minutes of Meeting No. 6-86, February 19, 1986, were approved as written.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Minutes of Meeting No. 7-86, February 21, 1986, were approved as written.

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On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 8-86, February 24, 1986, were approved as written.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Minutes of Meeting No. 9-86, March 3, 1986, were approved as written.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. J. Wilson, Montgomery County, re Children's Resource Center

The Mayor and Council asked the Clerk to find someone to participate on this committee.

2. Maryland Municipal League, re Annapolis representatives

The Mayor and Council unanimously agreed the letter should be sent.

3. Rockville Chamber of Commerce, re Rockville Police

4. Delegate Edwards, re F. Scott Fitzgerald Theatre Bill
Senator Shore, re F. Scott Fitzgerald Theatre Bill
Senator Kelly, re F. Scott Fitzgerald Theatre Bill

5. Montgomery County Republican Central Committee, response to City's letter

The Mayor and Council noted receipt of this letter.

6. Louise Huegel, Emile Hogenmiller and May Beeley, re Senior Day Care

7. Delegate Ida Ruben, HB 1384 and SB 412

8. R.H.A. letter to member re absence from meetings

The Mayor and Council noted receipt of this letter and felt no action was necessary provided Mr. Mohorn attend future meetings as he said he would do.

Re: Information Items

1. Memo re Moonlighter Run
2. Memo from City Attorney re litigation
3. Memo re 4-way Stop signs at Edmonston intersections
4. Memo on "Safety Belts" sign installation

Councilman Duncan thanked Senator Shore for these materials. He said the would be good addition to the City. The Mayor asked that the memo be sent to the employees urging the use of seat belts.

5. CDHA Project Reports
6. Request for meeting by Rockville Pike Advisory Committee

Councilman Duncan suggested the Mayor and Council arrange a meeting soon. The Mayor agreed.

Re: New Business

1. Councilman Duncan mentioned that Sylvia's Restaurant seems to be experiencing a parking problem. He would like information from the staff on a parking overlap.

2. Councilman Duncan noted memos received tonight from the staff on restricting truck parking in residential areas. He asked that the staff submit ordinances to the Mayor and Council on both Alternative A and Alternative B so that public comment could be received on May 12.

3. Councilman Duncan asked that the staff get back to the Mayor and Council with a recommendation on the purchase of the Bryan Property, quickly. Councilman Abrams asked that it be the subject of an executive session on March 31.

4. Councilman Abrams noted receipt of a memo on Home Occupations in Residential Areas. He asked this be referred to the Planning Commission so that they can look at modifications to the law. In the meantime, it was the Council's hope that no official action be taken on the part of the City Manager.

5. Councilman Abrams noted that at the Twinbrook Citizens Association Meeting the subject of commercial trash collection came up. He asked that the staff look into an ordinance dealing with the uniform treatment of trash containers and screening. The City Manager said the staff will get back with a report.

6. Councilman Abrams noted a memo in the brief book concerning the use of REAP funds for Rockville Housing Authority tenants and equal protection. The

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other members of the Council had not received the memo. Discussion was postponed.

7. Councilman Abrams suggested that the Mayor and Council set a date for the public hearing on the idea of reinstituting rent control in Rockville. The Council discussed this at length. Since a good deal of information is needed from the staff, the Mayor suggested the Council wait until this information is available and after reviewing that, the Mayor and Council can schedule a hearing if they wish to proceed. In the meantime, Councilman Coyle suggested a letter be written to Mr. Polinger explaining the mood of the Council and the idea of looking at options to mitigate rent increases.

8. Councilman Coyle noted a suggestion from the Human Rights Commission during work session to bring the ordinance into conformity with State law. Staff was instructed to draw up the necessary legal documentation to accomplish this.

9. Mayor Van Grack asked that the Mayor and Council be provided with a transcript of the proceedings of the Historic District Commission meeting on March 18.

10. Mayor Van Grack noted that a short time ago the Mayor and Council appointed a citizen to sit on a board that would look at a new location for the Rockville Library. He asked that the staff inquire into the use of the present library building if such a new library is built. He said the City would like to focus on ownership of the present building. The staff will get back with information on this.

11. Mayor Van Grack noted a memo from Holladay/Tyler from the Science and Technology Commission concerning Holladay/Tyler. Since there were no cost included relevant to consultant's fee or the cost of administrative procedures, the City Manager was asked to get back with cost estimates. The City Manager will return with costs and notes on what the State is doing on this.

Re: Executive Session

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the meeting was closed for executive session to discuss land disposition and consultation with legal counsel.

Re: Adjournment

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 10:45 p.m. to convene again in work session on Monday, March 31, 1986, at 7:30 p.m. or at the call of the Mayor.